

MINUTES

VILLAGE OF LOS RANCHOS de ALBUQUERQUE
6718 RIO GRANDE BOULEVARD N.W.
BOARD OF TRUSTEES REGULAR MEETING
MARCH 9, 2011 - 7:00 p.m.

Present:

Larry P. Abraham, Mayor
Don Lopez, Trustee / Mayor Pro Tem
Mary Homan, Trustee
Pablo R. Rael, Trustee
Tim McDonough, Trustee

Kelly S. Ward, Administrator
Annabelle Silvas, Clerk
Bill Chappell, Attorney
Nancy Haines, Treasurer
Fred Radosevich, Public Safety
Linda Seebach, P & Z Director

1. **CALL TO ORDER**

A. APPROVAL OF AGENDA

MOTION: Trustee Rael moved approval of the Agenda. Trustee Lopez seconded the motion.

VOTE: The motion carried unanimously 4-0.

B. PROCLAMATION PROCLAIMING APRIL 1, 2011 AS GOLDEN APPLE FOUNDATION OF NEW MEXICO TRIBUTE TO TEACHER EXCELLENCE DAY

Mayor Abraham read the proclamation and proclaimed April 1, 2011, as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day

2. **PUBLIC COMMENT PERIOD**

Steve Quintana 5000 Los Poblanos Lane, stated that he is realtor here in the Village and he is here representing Abel Garcia who owns the property at 795 Ranchitos Rd NW. They are proposing that the Village purchase this property for open space to use as the Village sees fit.

3. **CONSENT AGENDA**

A. MINUTES – FEBRUARY 9, 2011 – REGULAR MEETING

B. DEPARTMENT AND COMMITTEE REPORTS

1. ANIMAL CONTROL

Trustee Homan stated that she had a few corrections to the minutes. On page 13, line 24, the end of that sentence currently reads “e-mails on stray dogs and unleashed on the walking path” and it should read “on stray and unleashed dogs on the walking path.” The following sentence on line 26, after the word and, insert “ask that” and strike “insert” a note on this topic be placed on the Village Vision.”

MOTION: Trustee Homan moved approval of the Consent Agenda with the corrections stated. **Trustee Rael** seconded the motion.

VOTE: The motion carried unanimously 4-0.

4. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The Growers Market will be held this Saturday from 10:00 a.m. to 12:00 noon
- The Art and Soul that was going to be in conjunction with Bernalillo County and the Village to promote the arts has a change in leadership. They are going to postpone and tone it down and will not be doing anything in May, but hopefully in the future
- Attended Attorney David Campbell's departing celebration with the City of Albuquerque which was very nice and well attended
- The Leash Law was inserted in the Village Vision. It is a start in bringing awareness of the leash law and the ordinance. This will be an on going task of getting people to realize that the dogs have to be on leashes. The other problem is having no dogs at the park, which will be problematic at the Growers Market. He thinks that at some point the Board will have to address that. The Ordinance states that no dogs are allowed in the park. The Village will start enforcing the leash law on our ditches and will be ordering citation books. It is a problem with people getting hurt and dogs getting killed
- He had a meeting with several businesses in the Village
- The Village will be a polling site for the Conservancy District Election which will start on March 25th for Early Voting and the actual election will be held on June 4, 2011

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Hired a new Animal Control Officer whose name is Martin Martinez. He spent three years with the City of Albuquerque Open Space as a forester and before that twenty years with the National Forest Service and has an excellent background in animals, plants and trees
- Shannon Zamarron will be leaving March 18 she took a job at the Sandia Area Federal Credit Union
- Getting ready for spring and will begin fertilizing the park lawn and getting things ready at the Agri-Nature Center
- Purchased a used sweeper for \$8,500 and if purchased brand new it would cost about 180,000
- The Fire Station construction is making some progress

C. PLANNER'S REPORT

Planner Seebach reported on the following:

- This month will be taken up with conferences. FEMA Flood Plain

Managers conference is Wednesday, Thursday and Friday of this week. Arid Low Impact Development/Green Infrastructure workshop will be on March 22 and 23 – open to the public and a very worthwhile workshop to attend and EPA Rio Grande Watershed Permit will have two meetings this month.

- Dale Hoff, FEMA Compliance Specialist, James Orwat FEMA Project Monitor and Bill Borthwick, NM FEMA Coordinator visited the Village today and they said inequitably that FEMA has accepted the MRGCD certification of the levees until 2013. What happens in 2013 is still a question. There are a lot of government entities involved with the levees – the Corps of Engineers being the other Federal Agency.
- The statistical report for Fiscal Year 2010 has been handed out, considering the recent economy, we are in relatively good shape for building permits and things have been picking up. Five houses have sold in the first two months of the year, which is better than in either 2009 or 2010.
- We are still working on sanitary sewer hook ups – sending out final notices to recalcitrant people.
- We have several code enforcement cases for sign violations, most notably the Lucky 66 Bowling sign.
- The Task Force working on the In-Home Care Giving Ordinance will meet with Mr. Chappell next Tuesday at 6:00 pm here at Village Hall in my office.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- This month has been quiet and wrapped up things on the Baylee's place
- Dealt with a number of issues and questions about ordinances
- Worked on the home health care ordinance and will meet with the task force committee next week
- Have a couple of code enforcement issues. The building permits and the flashing signs
- Sidney Childress is an attorney in his office and will be working on certain issues with them particularly enforcement and litigation
- The highlight of the month was trying to mediate a barking case. In which he was not successful. This will be the first case that they have had to prosecute in municipal court

E. PUBLIC SAFETY REPORT

Public Safety Director Radosevich reported on the following:

- Introduced Officer David Noles and stated that he is the swing shift Lieutenant for the Sheriff's Dept
- Continues meeting with the Sheriff's office and met with Captain Gregg Marcantel
- The Mayor, Jeff and I met on the draft emergency plans for the Bosque Fires
- The Mayor, Kelly and I met with Sheriff Houston
- Lieutenant Weller announced his retirement a week ago effective March 1st
- Lieutenant Claire McCarthy is the new North Valley commander

- The Bernalillo County Sheriff's Office handled 239 calls in the Village
- The Bernalillo County Fire Department will have the Easter Egg Hunt on April 23
- A meeting has been scheduled with North Valley Academy on re-signing Fourth Street. The flashing lights are a little confusing.
- Still dealing with some of the speed and stop sign issues
- He met with the Los Poblanos Neighborhood Association on Monday night and discussed public safety issues and neighborhood watch
- Met with Dietz Farm Circle residents on a neighborhood watch program
- Tinnin Farms had a few auto burglaries and working on a neighborhood watch program with them
- Worked on the draft MOU with the Bernalillo County Sheriff's Office
- Storing vehicles for Bernalillo County Sheriff's Office at the Agri-Nature Center

5. FINANCIAL BUSINESS

A. CASH REPORT – FEBRUARY

Treasurer Haines presented the cash report.

MOTION: Trustee McDonough moved approval of the Cash Report. **Trustee Homan** seconded the motion.

VOTE: The motion carried unanimously. 4-0

6. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY ROSS HOWARD, AGENT FOR R&R PROPERTIES LLC FOR PRELIMINARY PLAT APPROVAL FOR A MAJOR, TWO (2) LOT SUBDIVISION IN THE NORTH RIO GRANDE CHARACTER AREA AND CORRIDOR AND VARIANCE FROM THE REQUIREMENTS OF ORDINANCE 221(4)(C). THE PROPERTY IS LOCATED AT 8640 RIO GRANDE BLVD AND IS LEGALLY KNOWN AS LOT D-2 LANDS OF ANNIE ROBERTSON SITUATE WITHIN THE TOWN OF ALAMEDA GRANT, PROJECTED SECTIONS 16 AND 17 T11N, R3E, NMPM, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, NEW MEXICO AS THE SAME IS SHOWN IN THE RECORDS OF THE BERNALILLO COUNTY CLERK, DECEMBER 27, 1996. THE PROPERTY CONTAINS 5.2809 ACRES MORE OR LESS.

Attorney Chappell swore in those speaking under this item.

Planner Seebach presented her planners report.

Howard Ross, PO Box 88712 in Corrales, stated that he would like the plat approved.

MOTION: Trustee Homan moved approval with conditions and findings. **Trustee Rael** seconded the approval.

CONDITIONS:

1. The Final Plat shall contain all of the required language to be placed on the plat, i.e. Data notes, vicinity map, Public Utility Easement statements, restriction, legend and certifications, etc.
2. All utility systems shall be underground if PNM and NM Gas Company allow such.
3. The applicable sections of the Site Development Plan shall be implemented.
4. A subdivision Improvement Agreement shall be executed prior to the recording of the Final Plat for the installation of public sewer and water.
5. A financial guarantee instrument in the amount of 125% of the estimated infrastructure costs must be submitted with the subdivision improvement agreement for infrastructure that is required for the subdivision.
6. An NPDES grading and drainage plan shall be submitted at the time of building permit for the buildable area of Lot D-2-A.

FINDINGS:

1. The Subdivision meets the 2020 Master Plan 7.1 Residential Goal: The goal is to maintain residential development in keeping with the rural and diverse character of the Village and within Village scale.
2. The Subdivision meets The 2020 Master Plan 7.1.2 Objectives: Preserve qualities that reflect the semi-rural character of the Village; Preserve existing low density residential uses appropriate to the Rio Grande, Village West, Guadalupe Trail and Camino Real Character Areas; and Preserve a mix of residential and agricultural characteristics.
3. The subdivision meets the requirements of Ordinance 182, Subdivision Ordinance.
4. The subdivision meets the requirements of Ordinance 183 as amended, Section 6, A-1 Zone.
5. Variance from the requirements of Ordinance 221 for a Grading and Drainage plan serves the purpose of the Ordinance to a greater extent by an alternative proposal of submission of a Grading and Drainage Plan for the planned residence at the time of building permit because the majority of the 5.2809 acres is irrigated agricultural land.

VOTE: The motion carried unanimously. 4-0

7. **OLD BUSINESS**

There was no old business.

8. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF WASTE MANagements FUEL SURCHARGE INCREASE BASED ON \$ 3.19/GALLON

Paul Casaus, Waste Management of New Mexico District Manager, said they were present to request a fuel surcharge increase based on \$3.19/gallon. What this means for residents is a 4.11% increase for the residential rate, 2.16% of the residential rate goes to the fuel surcharge and 2.88% on the industrial roll off. As of July 1, 2011, residential customers will see the increase in the Village. As of April 1, 2011, the commercial customers and industrial roll-off customers will see the same rate hike. With fuel prices rising, they said they would likely return in 6-months for another rate increase request. He said they are currently paying \$3.98/gallon. They currently average 3.5 miles per gallon. The residential customers will see an increase of .24 cents per month. The commercial customers will see an increase of .17 cents per cubic yard per month, and the industrial roll-off customers will be based per call.

Trustee Lopez asked if fuel surcharges are included in the Village's contract.

Administrator Ward said that they are included.

MOTION: Trustee McDonough moved approval of the Waste Management fuel surcharge request. **Trustee Lopez** seconded the motion.

Paul Casaus said recently one of the truck drivers had an oil leak. He apologized for that and said that the driver lost a cylinder and had been placed out of service. A new pack of cylinders were ordered, the truck was fixed, and is back in route. The drivers have been advised to check for leaks pre and post trips to help prevent this from occurring in the future. He also congratulated the Village because the Village recycled 729,360 pounds of recycling materials. He said this year's participation rate is 91.7%, last year it was 91% participation rate.

Marlene Feuer, with Waste Management of New Mexico, said she e-mailed out invitations to a Waste Management event and brought extras for those that may not have received them. She said she has had a couple of residents who have communicated to the Village about several issues and is working on those. She also had a resident who had late fees on their bills. She said she credited the late charges and said that section 14 in the ordinance allows them to do this, but would like to work with Administrator Ward on clarifying this section of the ordinance.

Trustee Rael asked if anyone could recycle glass anywhere.

Marlene Feuer said there currently is not a location for glass, but the City of Albuquerque has a test site for ground glass but would stay in touch with the Village on this matter.

VOTE: The motion carried unanimously. 4-0

B. DISCUSSION OF PROPOSAL BY MICHAEL BAIRD TO

HOST A JAZZ AND BLUES MUSIC FESTIVAL AT THE AGRI-NATURE CENTER

Administrator Ward stated that Mike Baird is excited to host a Jazz and Blues 3-day festival at the Los Ranchos Agri-Nature Center.

Trustee Rael is requesting that Mike Baird bring it before the board before it takes place.

Administrator Ward said that a rental policy may want to be developed for use of this facility.

Trustee McDonough said that the noise ordinances need to be considered too because it would likely be an intrusion to the Village lifestyle if not managed properly, but the details would need to be explored before proceeding.

Mayor Abraham said that Mike Baird will bring a formal proposal before the board.

C. APPROVAL OF THE MAYOR'S APPOINTMENT OF THE PLANNING AND ZONING COMMISSIONER SAM GOLLIS

MOTION: Trustee Lopez moved approval of the appointment of Sam Gollis to the Planning & Zoning Commission. **Trustee Rael** seconded the approval.

VOTE: The motion carried unanimously 4-0.

Trustee Homan asked about the process in which the applicant was selected.

Mayor Abraham said the Village was looking for experience in the appointment of a Planning and Zoning Commissioner and Sam Gollis was the best candidate. A lot of opportunities were available for those who were interested in applying.

D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2011-3-1- A RESOLUTION CONCERNING GOVERNING BODY MEETINGS AND PUBLIC NOTICE REQUIRED

Trustee Homan said that there are currently several bills going forward at the state legislator. One is a bill requesting a 72-hour notice and the other is asking for a full 7-day notice. She said that although it may be passed at the Village tonight, it may need to be altered by July 1, 2011, depending on the outcome of the bills currently at the state legislator.

MOTION: Trustee Homan moved approval of Resolution No. 2011-3-1. **Trustee McDonough** seconded the motion.

ROLL CALL VOTE: Trustee McDonough-aye; Trustee Homan-aye; Trustee Lopez-aye; Trustee Rael-aye.

VOTE: The motion carried unanimously 4-0.

9. TRUSTEES INFORMAL DISCUSSION

Trustee Lopez stated that he is following up on Garduño Road project and wants an update.

Trustee Homan stated that the NMML District meeting will be held on April 1, 2011.

Trustee Homan stated that next week she will be at the Congress of Cities in Washington DC and there will be group meeting. One is the Small Cities Association and the Western State Associations will also be meeting and one of their leading issues is Water concerns.

Trustee McDonough asked if David Montoya was supposed to give his annual report in February.

Administrator Ward stated that is correct.

Trustee Homan asked when the ditch water will reach in the Village.

Administrator Ward stated that it will be April 1st.

Trustee McDonough asked if he could have a copy of the ordinance that prohibits dogs in parks.

Lorilee McDowell stated that Sue Brawley has brought the market to a number two position statewide. She asked that the Board not take away the dogs from the Market. This is a rural Village and rural Villages have dogs.

Mayor Abraham stated that he is worried about the liability for the Village if we are not enforcing our ordinance.

Trustee McDonough stated that one way to do this is to amend the ordinance.

Mayor Abraham stated that another ordinance that has a sunset law is regarding billboards. His concern is doing away with signs and will need to enforce so that it does not affect the businesses in the Village.

Mayor Abraham stated that the Board also needs to discuss going paperless.

Trustee Homan asked that the billboards issue be included on the April agenda.

Trustee McDonough stated that another thing we should look into is when that ordinance was adopted and what kind of notification went to the owners.

Administrator Ward stated that the legislature does not want to talk about capital outlay because there are no capital outlay funds and the 200,000 request for the fire station is in the hopper.

10. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

APPROVED by the Board of Trustees of the Village of Los Ranchos de Albuquerque this ____ day of _____, 2011.

ATTEST:

Annabelle Silvas, Village Clerk